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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,157	03/17/2005	Michael Meged	MEGED1	6487
1444 7590 08/12/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
OVEISSI, DAVID M				
ART UNIT		PAPER NUMBER		
2616				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,157

Applicant(s)

MEGED ET AL.

Examiner

DAVID OVEISSI

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-856)
Paper No(s)/Mail Date March 17 2005, May 07 2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 6-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio et al. (EP 1339198 A1)** in view of **Taniguchi (6,122,250)** further in view of **Kimoto (US 6,920,603 B2)**.

For claims 1, 4 and 6-10 **Maggio** teaches a method/system/software for protecting Ethernet data packets transmitted over SDH/SONET traffic in a ring-like optical network formed by a number of nodes the method being performed at the SDH/SONET layer, (*see abstract "a method and device for handling "Ethernet frame signal in a SDH/SONET network, the SDH/SONET network comprising network elements or nodes... the mew layer/network using the resources of SDH/SONET network in such a way as to optimize ...", paragraphs1, 7, 9, 11, 15, 16, 20, 33, 36, 51"* In principle, SDH/SONET networks already provide different types of protection (for

*instance SNCP or MS_SPRING) that can be applied to Ethernet frames as Ethernet frames are encapsulated into SDH/SONET Virtual Containers.”), and includes utilizing MS-SPRING/BLSR system for SDH/SONET traffic protection and, in case of one or more network failures that result in at least one isolated node in the network (see *paragraph 82 In principle, SDH/SONET networks already provide different types of protection (for instance SNCP or MS_SPRING) that can be applied to Ethernet frames as Ethernet frames are encapsulated into SDH/SONET Virtual Containers.”)*),*

Maggio does not teach the method comprises preventing initiation of a squelching algorithm of the MS-SPRING/BLSR system with respect to the SDH/SONET virtual containers carrying the data Ethernet packets. Furthermore, **Taniguchi** from the same field of endeavor teaches this limitation (*see paragraph 150 “..... a squelch operation is not executed... therefore no squelch operation is carried out between the two.”*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of invention to use the Miriello shared optical protection in the Maggio Ethernet over SDH/SONET system. The motivation for this combination is to prevent squelching to use up the SDH/SONET resources.

Neither **Maggio** nor **Taniguchi** teach while ensuring that there is no standardized use of byte J1 (in the network, with respect to the SDH/SONET virtual containers carrying the Ethernet packets. However, **Kimoto** from the same field of endeavor teaches this limitation (see column 1 lines 54-56 “... unused byte such as the J1”). Thus, it would have been obvious to a person of ordinary skill to leave the J1 byte unused in the Miriello and Maggio system. The motivation for leaving J byte unused is

not to vast the SDH/SONET resources. provide more flexible system in terms of SDH/SONET traffic.

2. Claim 2 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio et al. (US 2003/0165153 A1)** in view of **Dupont (US 7,002,976 B2)**

For claim 2 **Maggio** does not teach explicitly a method, wherein the nodes of the network are ADM (Add Drop Multiplexer) nodes, although, it is well known in the art that SONET nodes consist of ADM. Furthermore, **Dupont** from the same field of endeavor teaches this limitation explicitly (*see column 6 lines 9-25*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the ADM of **Dupont** in the SONET network of **Maggio**. The reason for this combination is to provide various incoming local area networks to be routed in the wide area network of SONET.

3. Claim 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio** in view of **Manganini et al. (US 2003/0026203 A1)**.

For claim 3 **Maggio** does not teach a method, wherein the virtual containers of the SDH/SONET traffic are AU-4/AU-3. However, **Manganini** from the same field of endeavor teaches this limitation (*see paragraphs 34 and 39*). Thus, it would have been obvious to the person or ordinary skill in the art at time of invention to us the AU of the

Manganini in the SDH/SONET transport network of Maggio. The motivation for this combination is to distinguish between different traffic.

4. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio** in view of **Miller (US 7,177,328 B2)**.

For claim 5 **Maggio** does not teach a method, comprising filling the J1 bytes of all the virtual containers carrying the Ethernet traffic by one and the same binary code word, thereby preventing the standardized use of the byte J1. Furthermore, Miller from the same field of endeavor teaches this limitation (*see column 10 lines 28-29*). Thus, it would have been obvious to a person of ordinary skill at the time of invention to disable using J1 by using **Miller** switch method in the **Maggio** MS-SPRING system. Furthermore applicant teaches this limitation (*see paragraph 37*). The motivation for this combination is to J1 byte can be used for any application.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **Mesh et al. (US 2004/0109408 A1)**, **Kam et al. (US 2005/0041601 A1)**, and **Iga (5,570,371)**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OVEISSI whose telephone number is (571)270-

3127. The examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huy D. Vu/
Supervisory Patent Examiner, Art Unit 2616